

		necessary to obtain leave of court to add patents or claims.
2	05/06/21	<p>Comply with P.R. 3-3 and 3-4: Parties to serve preliminary invalidity contentions and make document production. Thereafter, it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to P.R.. 3-7.</p> <p>Add any inequitable conduct allegations to pleadings. Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations to pleadings. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations to pleadings.</p>
3	05/20/21	Comply with P.R. 4-1: Parties' exchange of proposed terms and claim elements needing construction.
4	06/10/21	Comply with P.R. 4-2: Parties' exchange of preliminary claim constructions and extrinsic evidence.
5	07/08/21	<p>Deadline to comply with P.R. 4-3: Filing of joint claim construction and pre-hearing statement.</p> <p>Disclosure of parties' claim construction experts & service of FED. R. CIV. P. 26(a)(2) materials</p>
6	07/08/21	<p>Deadline for all parties to file amended pleadings (pre-claim construction). It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. (It will be necessary to file a Motion for Leave to Amend after this deadline.)</p> <p>NOTE: If the amendment would affect preliminary infringement contentions or preliminary invalidity contentions, a motion must be made pursuant to P.R. 3-7 irrespective of whether the amendment is made prior to this deadline.</p>

7	08/12/21	Each party to provide name, address, phone number, and curriculum vitae for up to three (3) candidates for a court-appointed special master (<i>see</i> FED. R. CIV. P. 53) or court-appointed expert (<i>see</i> FED. R. EV. 706), with information regarding the nominee's availability for <i>Markman</i> hearing or other assignments as deemed necessary by the court. The parties shall indicate if they agree on any of the nominees.
8	08/12/21	Deadline for parties (optional) to provide Court with written tutorials concerning technology involved in patent in issue . If a special master or court-appointed expert is hereafter selected, the parties will provide each tutorial to the master or expert.
9	07/22/21	Responses to amended pleadings due.
10	08/05/21	Discovery deadline on claim construction issues (<i>see</i> P.R. 4-4)
11	08/26/21	Comply with P.R. 4-5(a): the party claiming patent infringement must serve and file a Claim Construction Opening Brief with its supporting evidence. The moving party is to provide the Court with 2 copies of the binders containing their Opening Brief and exhibits. If a special master or court-appointed expert has been appointed, the moving party must provide the Opening Brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits, to the special master or court-appointed expert.
12	[2 weeks after # 11] 09/09/21	Comply with P.R. 4-5(b): Responsive Brief and supporting evidence due to party claiming patent infringement . The moving party is to provide the Court with two (2) courtesy copies of the Responsive Brief and exhibits. If a special master or court-appointed expert has been appointed, the nonmoving party must supply a copy of its Response on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits, to the special master or court-appointed expert.

13	09/16/21	<p>Comply with P.R. 4-5(c): Party claiming infringement shall file a Reply Brief and supporting evidence on claim construction. The moving party is to provide the Court with two (2) copies of the Reply Brief and exhibits.</p> <p>If a special master or court-appointed expert has been appointed, the moving party must provide the Reply Brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits, to the special master or court-appointed expert.</p> <p>Parties to file a notice with the Court stating the estimated amount of time requested for the Claim Construction (<i>Markman</i>) Hearing. The Court will notify the parties if it is unable to accommodate this request.</p>
14	10/14/21	Parties to submit Claim Construction Chart in in compliance with P.R. 4-5(d).
15	[approx. 15 weeks after # 5; approx. 5 weeks after # 13; 32 weeks after Scheduling Hrg.] 10/21/21	Claim Construction (<i>Markman</i>) Hearing at _____.m. at the United States District Court, 515 Rusk Street, Courtroom 9-F, Houston, Texas

OTHER REQUIREMENTS and LIMITATIONS:

- (a) **All discovery**, excepting (1) claim construction discovery, (2) discovery into prior art systems, and (3) an inspection of a sample of the accused infringing products, shall be stayed pending resolution of Defendants' Motion to Dismiss or in the Alternative Transfer to the Western District of Texas. The parties shall confer and enter a revised schedule within 14 days of a ruling on that motion.

- (b) **All depositions** to be read into evidence as part of the parties' case-in-chief must be **EDITED** (*with* notice to opposing parties) to exclude all unnecessary, repetitious, and irrelevant testimony. **ONLY** those portions relevant to the issues in controversy may be read into evidence.
- (b) The Court will refuse to entertain any **motion to compel discovery** filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Southern District of Texas Local Rules 7.1, 7.2.
- (c) The following **excuses will neither warrant a continuance** nor justify a failure to comply with the discovery deadline:
 - (i) the fact that there are motions for summary judgment or motions to dismiss pending;
 - (ii) the fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (iii) the failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.
- (d) **Exhibits**
 - (i) Each party must provide the Court with a courtesy copy of exhibits and exhibit lists. The presiding judge's preferred format for Exhibit Lists is available on the Court's website at www.txs.uscourts.gov under **Court Procedures**.
 - (ii) If exhibits are voluminous, provide only specific pages that pertain to the issues on the two courtesy copies. The original exhibits that are agreed upon by the parties, should be ready to be tendered to the Clerk of the Court at the beginning of trial. Other exhibits that are admitted during trial should be tendered to the Clerk of the Court immediately after admission.
 - (iii) The parties are to label all proposed exhibits with the following information on each label: Designation of Plaintiff's or Defendant's Exhibit Number and Case Number. For example:

Signed on this 11th day of March 2021.

A handwritten signature in black ink, consisting of a series of loops and strokes, positioned above a horizontal line.

ANDREW M. EDISON
UNITED STATES MAGISTRATE JUDGE